

August 6, 1996

OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON

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REPORT AND RECOMMENDATION TO THE KING COUNTY COUNCIL

SUBJECT: Department of Development and Environmental Services File No. **L95P0018**
Proposed Ordinance No. **96-529**

Proposed Plat of
ROYAL HILLS

Location: Generally between 112th Avenue Southeast and 114th Avenue
Southeast (if extended), and Southeast 314th Place and
Southeast 316th Place (if extended)

Owner/Applicant: Michael and Fred Roesch
126 15th Street Northeast
Puyallup, WA 98372

PRELIMINARY MATTERS:

Application or petition submitted: August 25, 1995
Department Preliminary Report issued: July 9, 1996

EXAMINER PROCEEDINGS:

Hearing Opened: July 23, 1996
Hearing Closed: July 23, 1996

SUMMARY OF RECOMMENDATIONS:

Division's Preliminary: Approve, subject to conditions
Division's Final: Approve, subject to conditions (modified)
Examiner: Approve, subject to conditions (modified)

Participants at the proceedings and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the Office of the King County Hearing Examiner.

ISSUES ADDRESSED:

1. Density - subdivision lots

FINDINGS, CONCLUSIONS AND RECOMMENDATION:

FINDINGS:

1. General:
Owner/Developer: Michael and Fred Roesch
126 115th Street Northeast
Puyallup, WA 98372
Engineer: Richard A. Moose, P.E.
Baseline Engineering, Inc.
1910 64th Avenue West
Tacoma, WA 98466
Phone: (206) 824-1205

STR: 8-21-5
Location: Generally between 112th Avenue Southeast and 114th Avenue Southeast (if extended), and Southeast 314th Place and Southeast 316th Place (if extended)
Zoning: R-4-P
Acreage: 12.28
Number of Lots: 49
Density: 4.49 dwelling units/acre
Lot Sizes: Ranges from 5,179 to 20,097 sq. ft.
Proposed Use: Detached single-family residences
Sewer Disposal: City of Auburn
Water Supply: City of Auburn
Fire District: #44
School District: Auburn School District #408
Complete Application (Vesting) Date: August 25, 1995

2. Except as modified below, the facts set forth in the King County Land Use Services Division's Preliminary Report to the King County Hearing Examiner for the July 23, 1996, public hearing are found to be correct and are incorporated herein by this reference. Copies of the said report will be attached to the copies of this report submitted to the County Council.
3. King County Code Chapter 21A.34 provides residential density incentives consistent with the 1994 Comprehensive Plan. The proposed subdivision of 49 lots is based on density incentives authorizing five lots in addition to the base density. As proposed, the additional density of five lots would be based upon provision of one dwelling unit of affordable housing and a 10% incentive for energy conservation attributable to location within 1/4 mile of a transit route. However, KCC 21A.34.040.F.4.c requires frequency of transit service on at least a half-hourly basis during the peak hours in order to provide the density incentive credit. The route serving the subject property does not provide half-hourly service during the afternoon peak hour.
4. At the hearing, the Applicant proposed utilizing the affordable housing density incentive to permit the 49-lot subdivision in the event the energy conservation density credit is not authorized. The establishment of seven units of moderate income housing, qualifying pursuant to KCC 21A.34.040.F.1.d, would allow for five dwelling units in addition to the base density permitted in the zone. This alternative proposal would also be consistent with the 1994 Comprehensive Plan.

CONCLUSIONS:

1. If approved subject to the conditions recommended below, the proposed subdivision will comply with the goals and objectives of the King County Comprehensive Plan, Soos Creek Community Plan, Subdivision and Zoning Codes, and other official land use controls and policies of King County.
2. If approved subject to the conditions recommended below, this proposed subdivision will make appropriate provision for the public health, safety and general welfare and for open spaces, for drainage ways, streets, other public ways, transit stops, potable water supply, sanitary wastes, parks and recreations, playgrounds, schools and school grounds, and safe walking conditions for students who only walk to school; and it will serve the public use and interest.
3. The conditions for final plat approval recommended below are in the public interest and are reasonable requirements to mitigate the impacts of this development upon the environment.
4. The dedications of land or easements within and adjacent to the proposed plat, as recommended by the conditions for final plat approval or as shown on the proposed preliminary plat submitted by the applicant, are reasonably necessary as a direct result of the development of this proposed plat.
5. Use of the density incentive credit in the subdivision of the subject property is consistent with the King County Comprehensive Plan, and should be encouraged pursuant to Plan policies. The proposed subdivision should be approved with five additional lots authorized pursuant to KCC Chapter 21A.34 if the Applicant qualifies for density incentives pursuant to either the

affordable housing or energy conservation provisions of the chapter. Qualification for energy conservation density credit should be determined by review of information available from the King County Department of Transportation at the time of final plat recording. If qualification based upon location within 1/4 mile of a transit route served on at least a half-hourly basis during the peak hours (and hourly during the daytime non-peak hours) is unavailable at time, the Applicant should be authorized to achieve up to five bonus units based upon the provision of moderate income housing on not fewer than seven of the proposed lots.

RECOMMENDATION:

APPROVE the proposed subdivision of Royal Hills, as revised and received June 26, 1996, subject to the following conditions of final plat approval:

1. Compliance with all platting provisions of Title 19 or the King County Code.
2. All persons having an ownership interest in the subject property shall sign on the face of the final plat a dedication which includes the language set forth in King County Council Motion No. 5952.
3. The plat shall comply with the base density and minimum density provisions of the R-4 zone classification. A maximum of forty-nine lots shall be permitted, based upon qualification for not fewer than five additional units through residential density incentives.

Application of the energy conservation residential density incentive allowing a 10% increase above the base density of the zone shall be determined by DDES, based upon updated information from the King County Department of Transportation at the time of final plat recording.

To qualify for the affordable housing residential density incentive, the subdivision shall comply with the requirements of KCC 21A.34.040.F.1.d. In this regard, those lots for which a density incentive credit is claimed shall be specified on the final plat as limited to a residence for a moderate income home buyer. Any reporting requirements established by the King County Housing and Community Development Program (KCHCD) concerning buyer eligibility and housing price shall be met. These requirements shall apply only to the first buyer of the residence on each specified lot, and do not apply to subsequent buyers. The Applicant shall also enter into any necessary agreements with King County to implement KCC 21A.34.040.F.1.d, as determined by KCHCDP.

4. All lots in the plat shall meet the minimum dimensional requirements of the R-4 zone classification or shall be as shown on the face of the approved preliminary plat. Minor revisions to the plat which do not result in substantial changes may be approved at the discretion of the Land Use Service Division (LUSD).
5. The applicant must obtain final approval from the King County Health Department.
6. All construction and upgrading of public and private roads shall be done in accordance with the King County Road Standards established and adopted by Ordinance No. 11187.
7. The applicant must obtain the approval of the King County Fire Protection Engineer regarding the fire hydrant, water main, and fire flow standards of Chapter 17.08 of the King County Code.
8. Final plat approval shall require full compliance with drainage provisions set forth in King County Code 9.04 and the storm drainage requirements and guidelines as established by the Surface Water Management Division. Compliance may result in reducing the number and/or location of lots as shown on the preliminary approved plat. The following conditions represent portions of the Code and requirements, and apply to all plats.
 - a. Drainage plans and analysis shall comply with the 1990 King County Surface Water Design Manual and updates which were adopted by Public Rule effective January 1, 1995. LUSD approval of the drainage and roadway plans is required prior to any construction.
 - b. Current standard plan notes and ESC notes, as established by LUSD Engineering

Review, shall be shown on the engineering plans.

- c. The following note shall be shown on the final recorded plat:

"All building downspouts, footing drains, and drains from all impervious surfaces such as patios and driveways shall be connected to the permanent storm drain outlet as shown on the approved construction drawings # _____ on file with DDES and/or the Department of Transportation. This plan shall be submitted with the application of any building permit. All connections of the drains must be constructed and approved prior to the final building inspection approval. For those lots that are designated for individual lot infiltration systems, the systems shall be constructed at the time of the building permit and shall comply with plans on file."

9. The following conditions outline several Core and Special Requirements in the SWM Drainage Manual which are particularly important for the design of this project. All other applicable requirements in the SWM manual shall also be addressed in the design of site improvement plants.

- A. Core Requirement No. 1 - Discharge at the Natural Location. The property contains two drainage basins which slope westerly to the roadside ditch on 112th Avenue Southeast. As shown on the preliminary plat, two drainage tracts are proposed to detain and release surface water from each drainage basin at the natural location.
- B. Core Requirement No. 3 - Runoff Control. Storm water runoff control shall be provided using the detention design criteria outlined in the SEPA mitigation measures for this project. (See Condition 22, below).

As specified in Section 4.5 of the SWM Manual, roof drain storm water shall be infiltrated or dispersed within the lot area if the soil conditions are favorable. Biofiltration of storm water is also required for water quality enhancement. The runoff control facilities shall be located in a separate tract and dedicated to King County.

The adjacent plat of Eagle Run has constructed a drainage conveyance system through the subject property along the east and south property lines. These facilities shall be redesigned and constructed as necessary for the development of Royal Hills. The off-site runoff bypass requirements in Section 1.2.3 of the SWM Manual shall be evaluated in the drainage design requirements.

- C. Special Requirement No. 4 - Adopted Basin or Community Plans. The proposed plat is governed by the Soos Creek Community Planning Area Zoning, which contains a P-suffix condition related to clearing and grading. (See Condition 21 below.) the final site improvement plans shall address the applicable requirements for lot clearing during road and utility construction or lot-by-lot clearing.
- D. Special Requirement No. 5 - Special Water Quality Controls. Wet ponds may be required if the thresholds listed in the SWM Manual apply to the site. Page 6 in the King County Sensitive Area Folio identifies the Green River as a Class 1 stream located within a one mile radius downstream of the project site. Therefore, if any threshold discharge area contains more than one acre of new impervious surface subject to vehicular use, wet ponds are required.

10. The following conditions specify the required road improvements:

- a. One-Hundred-Twelfth Avenue South shall be improved as an urban neighborhood collector where it abuts the site. Appropriate transitions to the existing pavement shall be provided, and the curb line at the north property line should match the existing urban improvement adjacent to Canterbury Ridge. The existing driveway serving Lot 27 may remain with access from 112th Avenue South. The existing driveway for Lot 10 shall be replaced with a new driveway to Southeast 314th Place.

As required by Section 2.16 of the King County Road Standards (KCRS), the designer shall contact Metro Service Planning and the local school district to determine bus zone

(stop) locations and other bus operation needs. The final engineering plans shall comply with this section of the Road Standards, as determined by the LUSD Engineering Review Section.

- b. Southeast 316th Place shall be improved as a full width urban neighborhood collector
 - c. Southeast 314th Place shall be improved as an urban sub-collector.
 - d. One-Hundred Fourteenth Avenue Southeast shall be improved as an urban sub-collector street. The existing half streets adjacent to the plats of Arbor View and Eagle Run shall be completed as full width streets. The remaining portion of the road shall be improved as a half street. A temporary road barrier shall be provided at the northern boundary of the site, until such time that the northerly extension of the roadway is constructed to full width standards.
 - e. One-Hundred-Thirteenth Avenue Southeast shall be improved as an urban sub-access street.
 - f. Southeast 315th Court shall be improved as an urban minor access street.
 - g. Tract A shall be owned and maintained by Lots 24-26 and 28-30. A note to this effect shall appear on the final plat and engineering plans.

Tract A shall be improved as a private access tract in accordance with the standards of KCRS 2.09B. The minimum tract width is 26 feet with a maximum length of 150 feet. The pavement width shall be a minimum of 22 feet.
 - h. The proposed road improvements shall address the requirements for road surfacing outlined in KCRS Chapter 4. As noted in Section 4.01F, full width pavement overlay is required where widening existing asphalt.
 - i. Modifications to the above road conditions may be considered by King County, pursuant to the variance procedures in KCRS 1.08.
 - j. Street trees shall be provided, as required by Condition 19 below.
- 11. An isolated wetland is located in the vicinity of Lots 31 and 48. Due to its small size, which is less than 2500 square feet, this wetland is not regulated by the King County sensitive area requirements. Thus, it may be eliminated as part of the development of the project, without providing mitigation.
 - 12. The eastern portion of the site may have seasonally saturated soil conditions, which could require appropriate roadway, utility, and building designs. A report which evaluates the groundwater conditions on the site shall be prepared and submitted with the engineering plans. The report shall make recommendations regarding the need for dewatering plans and related construction requirements.
 - 13. Tract C shall be improved with a 5 foot paved or concrete pedestrian walkway. The tract shall be owned and maintained by a homeowners association.
 - 14. All utilities within proposed rights-of-way must be included within a franchise approved by the King County Council, prior to final plat recording.
 - 15. The applicant or subsequent owner shall comply with KCC 14.75, Mitigation Payment System (MPS), by paying the required MPS fee and administration fee as determined by the applicable fee ordinance. The applicant has the option to either: (1) pay the MPS fee at final plat recording, or (2) pay the MPS fee at the time of building permit issuance. If the first option is chosen, the fee paid shall be the fee in effect at the time of plat application and a note shall be placed on the face of the plat that reads, "All fees required by KCC 14.75, Mitigation Payment System (MPS), have been paid." If the second option is chosen, the fee paid shall be the amount in effect at the date of building permit application.
 - 16. With the exception of Lot 27, there shall be no direct vehicular access to or from 112th Avenue

SE and SE 316th Place, from those lots which abut these two streets. A note to this effect shall appear on the final plat and engineering plans.

17. A planter island, if provided within the SE 315th Ct. turnaround bulb, shall be maintained by the abutting lot owners. This shall be stated on the face of the final plat.
18. A fee-in-lieu of recreation space shall be paid by the applicant to King County, the amount of the fee shall be determined by the King County Parks Division, consistent with the provisions of KCC 21A.14.185.
19. A homeowners' association or other workable organization shall be established to the satisfaction of LUSD which provides for the ownership and continued maintenance of Tract C.
20. Street trees shall be provided as follows:
 - a. Trees shall be planted at a rate of one tree for every 40 feet of frontage along 112th Avenue SE and SE 316th Place. Spacing may be modified to accommodate sight distance requirements for driveways and intersections.
 - b. Trees shall be located within the street right-of-way and planted in accordance with Drawing No. 5-009 of the 1993 King County Road Standards, unless King County Department of Transportation (KCDOT) determines that trees should not be located in the street right-of-way.
 - c. If KCDOT determines that the required street trees should not be located within the right-of-way, they shall be located no more than 20 feet from the street right-of-way line.
 - d. The trees shall be maintained by the abutting lot owners or the homeowners' association (at the discretion of the applicant), unless the County had adopted a maintenance program. The party responsible for maintenance shall be noted on the face of the final plat, unless the County has assumed the maintenance responsibility.
 - e. The species of trees shall be approved by LUSD and KCDOT if located within the right-of-way, and shall not include poplar, cottonwood, soft maples, gum, any fruit-bearing trees, or any other tree or shrub whose roots are likely to obstruct sanitary or storm sewers, or that is not compatible with overhead utility lines.
 - f. The applicant shall submit a street tree plan and bond quantity sheet for review and approval by LUSD prior to engineering plan approval. KCDOT shall also review the street tree plan if the street trees will be located within the right-of-way.
 - g. Regarding the placement of street trees on 112th Avenue SE, the applicant shall contact Metro Service Planning at 684-1622, and shall submit the street tree plan for their review, prior to engineering plan approval.
 - h. The street trees must be installed and inspected, or a performance bond posted prior to recording of the plat. If a performance bond is posted, the street trees must be installed and inspected within one year of recording of the plat. At the time of inspection, if the trees are found to be installed per the approved plan, a maintenance bond shall be submitted or the performance bond replaced with a maintenance bond, and held for one year. After one year, the maintenance bond may be released after DDES has completed a second inspection and determined that the trees have been kept healthy and thriving.

A \$538 landscape inspection fee shall be submitted prior to plat recording. The inspection fee is subject to change based on the current County fees.
21. Clearing and grading activities on the site shall conform with Soos Creek "P" suffix Condition I.B (p. 148, Soos Creek Area Zoning). Building envelopes or clearing restrictions shall appear on the final engineering plans, as required by Condition I.B.

22. The following have been established by SEPA as necessary requirements of this development to provide mitigation. The applicant shall demonstrate compliance with those items prior to final approval.
- a. South Drainage Basin: The performance of the detention facility shall be such that discharge from the developed area shall be no more than 1/2 of the pre-development 2-year release rate for design storms up to and including the 2-year storm. The pre-developed 2-year release rate shall be provided for design storms above the 2-year storm event up to and including the 100-year storm. (King County Comprehensive Plan Policies F-323 through F-329).
 - b. North Drainage Basin: Post-development 2-year, 10-year, and 100-year storm flows shall not exceed pre-development storm flows equaling 1/2 of the 2-year, 10-year and 100-year storm flows, respectively. (King County Comprehensive Plan Policies F-323 through F-329).
 - c. The required drainage analysis shall be computed using the SCS-SBUH 24-hour storm method described in the 1990 Design Manual, unless an alternative procedure is approved by King County DDES. The above design standards may be modified by DDES if downstream pipe capacity or erosion problems are resolved. (King County Comprehensive Plan Policies F-323 through F-329).

ORDERED this 6th day of August, 1996.

James N. O'Connor
King County Hearing Examiner

TRANSMITTED this 6th day of August, 1996, to the following parties and interested persons:

Terrell C. Ferguson
Kevin Foley
John Merlino
Richard A. Moose
Jim W. Myers
Michael & Fred Roesch
DeAnn E. Schied
John L. Scott Land Department

Peter Dye, DDES/LUSD
Aileen McManus, DDES/Building Services
Paul Wozniak, DDES/LUSD
Lanny Henoeh, DDES/LUSD
Michaelene Manion, DDES/LUSD
Steve Townsend, DDES/LUSD
Tom Koney, Metropolitan King County Council
Lisa Pringle, DDES/LUSD
King Conservation District

NOTICE OF RIGHT TO APPEAL
AND ADDITIONAL ACTION REQUIRED

In order to appeal the recommendation of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$125.00 (check payable to King County Office of Finance) on or before August 20, 1996. If a notice of appeal is filed, the original and 6 copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council on or before August 27, 1996. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 403, King County Courthouse, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within fourteen (14) calendar days of the date of this report, or if a written appeal statement and argument are not filed within twenty-one (21) calendar days of the date of this report, the Clerk of the Council shall place a proposed ordinance which implements the Examiner's recommended action on the agenda of the next available Council meeting. At that meeting, the Council may adopt the Examiner's recommendation, may defer action, may refer the matter to a Council committee, or may remand to the Examiner for further hearing or further consideration.

Action of the Council Final. The action of the Council approving or adopting a recommendation of the Examiner shall be final and conclusive unless a proceeding for review pursuant to the Land Use Petition Act is commenced by

filing a land use petition in the Superior Court for King County and serving all necessary parties within twenty-one (21) days of the date on which the Council passes an ordinance acting on this matter.

MINUTES of the public hearing of ROYAL HILLS, LUSD File No. L95P0018; July 23, 1996 public hearing.

James N. O'Connor was the hearing Examiner for this matter. Participating in the hearing were Lanny Henoch and Peter Dye, representing the Land Use Services Division; and Kevin Foley.

The following exhibits were offered and entered into the hearing record:

Exhibit No. 1	LUSD File No. L95P0018
Exhibit No. 2	LUSD staff report prepared for the July 23, 1996, public hearing
Exhibit No. 3	Subdivision application, received August 25, 1995
Exhibit No. 4	Environmental checklist, received August 25, 1995
Exhibit No. 5	SEPA Mitigated Determination of Nonsignificance, used May 28, 1996
Exhibit No. 6	Affidavit o Posting, received June 26, 1996, indicating June 23, 1996, as date of posting
Exhibit No. 7	Revised plat map, received June 26, 1996
Exhibit No. 8	Land Use Map - Kroll Maps 720E, 720W, and 721W
Exhibit No. 9	Assessor Map for the SE 1/4 of 8-21-5
Exhibit No. 10	Traffic analysis, dated December 12, 1995, prepared by David Evans and Associates, Inc.
Exhibit No. 11	Letter from Jim W. Myers, received June 28, 1996
Exhibit No. 12	Hearing Examiner's Report and Recommendation dated June 26, 1991, on Royal Hills - File No. S89P0128
Exhibit No. 13	Revised plat map with highlighting (existing houses noted in red)

JNOC:daz/cp
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